

REMARKS

Applicants have carefully reviewed the Office Action mailed April 8, 2009 and offer the following remarks to accompany the above amendments.

Interview Summary

Applicants thank the Examiner for the telephonic interview conducted on July 2, 2009, wherein proposed amendments to claim 1 were discussed in conjunction with the prior art references discussed herein. The Examiner indicated he would consider such amendments and arguments when submitted with the present response.

Status of the Claims

Claims 1, 14 and 22 have been amended to clarify that the template used by the portable image capture device is contained in the portable image capture device, and to clarify that the portable image capture device automatically integrates the collected data into the template to generate an output document. Additionally, claims 2, 5, 18, and 24 have been amended to place into proper form alternative claim limitations. Claims 3, 4, 8-9, 15-19, and 23-25 have been amended to provide proper antecedent basis in view of the amendments made to claims 1, 14, and 22, respectively. Claims 10-13 and 20-21 are cancelled herein. Accordingly, claims 1-9, 14-19, and 22-25 are currently pending.

Rejection Under 35 U.S.C. § 112 – Second Paragraph

Claims 5-7, 11-13, 24, and 25 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully traverse. Regarding claims 5-7 and 24, the Patent Office asserts that “it is not clear whether the image captured is inserted, or applicant is referring to the image capture device, or applicant is claiming the performance of an action of image capture, or something else” (Office Action, pp. 2-3). The Patent Office further asserts that “it is not clear whether the claimed invention is directed to inserting the image capture(d) and the voice data, or (just) the text data” (*Id.* at p. 3). In response, Applicants have amended claims 5 and 24 to clarify that the captured image and at least one of the voice data and the text data is inserted at the at least one predetermined point of the template. Applicants

believe such amendment overcomes the Patent Office's rejection of claims 5-7 and 24, and respectfully request that the rejection be withdrawn.

Regarding claims 11-13, Applicants have cancelled such claims, rendering the rejection moot. Regarding claim 25, Applicants have amended claim 25 to further limit the computer readable medium of claim 22 to implement a method for transferring the output document to a computer. Applicants believe such amendment overcomes the Patent Office's rejection, and respectfully request that the rejection be withdrawn.

Rejection Under 35 U.S.C. § 103(a) – Vox2Data, Wright, Jr., and Elbrader

Claims 1-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Information on Vox2Data (hereinafter "Vox2Data") in view of U.S. Patent No. 5,704,029 to Wright, Jr. (hereinafter "Wright") and further in view of U.S. Patent Application Publication No. 2004/0138898 A1 to Elbrader (hereinafter "Elbrader"). Applicants respectfully traverse.¹

Applicants' claimed invention relates to a portable image capture device, such as a digital camera or a cellular phone, capable of taking pictures, and containing a template having a predetermined point at which captured image data is expected. The portable image capture device directs a user to collect the data input via the portable image capture device, and automatically integrates the collected data input in the portable image capture device by automatically associating the collected data input with the template to generate an output document in the portable image capture device.

The Vox2Data reference discloses medical transcription software which is capable of automatically transcribing spoken language into text (Vox2Data, p. 1). The Vox2Data reference also discloses what appears to be a second software application entitled "Vox2Data for medicine document management system" which indicates that "[p]atient demographics and history will be imported from intake personnel and templates and macros will be used to dramatically reduce the amount of time necessary to construct a medical record" (Vox2Data, p. 3). Thus, the Vox2Data reference discloses that the document management system may use templates and macros to import data. Nowhere does the Vox2Data indicate that the templates and macros are located in a portable image capture device, as recited in Applicants' amended claims 1, 14, and 22, or that

¹ Applicants note that Patent Application Publication No. 2002/0172498 cited in the Office Action, with regard to this rejection, is not to Elbrader, but to Esenyan et al. Applicants confirmed with Examiner Vig on July 8, 2009 that the rejection is based on Vox2Data, Wright, and Elbrader.

data, such as an image, is captured and automatically integrated into the template to form an output document in such portable image capture device.

Wright discloses a personal digital assistant (PDA) that may execute a form via a forms engine executing on the PDA to prompt a user to collect data (Wright, abstract). The PDA may then transfer the collected data in a data array from the PDA to a computer (Wright, col. 14, ll. 22-32). Applicants note, however, that Wright discloses that the forms are used to collect data and provide data to a computer, not to generate an output document, as recited in Applicants' claims 1, 14, and 22. Moreover, nowhere does Wright teach or suggest that the PDA may integrate an image capture into a form which is then generated into an output document in the PDA.

Elbrader discloses a record keeping system wherein a computer terminal is in communication with a video camera. The video camera may at certain points within a transaction record aspects of the transaction. However, nowhere does Elbrader teach or suggest a template in a video camera which prompts a user to collect data, such as a digital image, or that the video camera integrates such a digital image into a template to form an output document.

Neither Vox2Data, Wright, or Elbrader teach or suggest: 1) a template contained in a portable image capture device that prompts a user to collect image data using the portable image capture device; or 2) automatic integration of the captured image into a template stored in the image capture device to generate an output document in the portable image capture device. Therefore, Applicants submit that neither Vox2Data, Wright, nor Elbrader, either alone or in combination, render Applicants' claims 1, 14, and 22 obvious, and respectfully request that the rejection of claims 1, 14, and 22 be withdrawn.

Claims 2-8, 15-19, and 23-24 depend directly or indirectly from claims 1, 14, and 22, respectively, and are therefore allowable for at least the same reasons set forth above with regard to claims 1, 14, and 22. Accordingly, Applicants respectfully request that the rejection of claims 2-8, 15-19, and 23-24 be withdrawn.

Applicants have amended claims 9 and 25 to recite further aspects of Applicants' claimed invention, wherein the generated output document is transferred from the portable image capture device to a computer. Neither Vox2Data, Wright, nor Elbrader teach or suggest the creation in a portable image capture device of a document, or the transmission of such a document to a

computer. Thus, Applicants submit that claims 9 and 25 are likewise allowable over the cited references and respectfully request that the rejection of claims 9 and 25 be withdrawn.

Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicants' representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read 'Eric P. Jensen', with a long horizontal flourish extending to the right.

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